

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA,</b>	:	CASE NO. 1:95-CR-00002
Plaintiff,	:	JUDGE
vs.	:	
<b>JASON J. SMITH, et al.,</b>	:	<b><u>AFFIDAVIT OF WILLIAM S. SMITH</u></b>
Defendants.	:	
<b>STATE OF OHIO</b>	:	
	:	<b>SS.</b>
<b>COUNTY OF CUYAHOGA</b>	:	

Now comes **WILLIAM S. SMITH**, who being first duly sworn according to law deposes and states as follows:

**1.** I have been joined, in part, with my brother Jason J. Smith, in the above-captioned case.

**2.** For all times relevant, I was the lawful owner of a Fabrique Nationale De Guerre Herstal Belgique 9mm pistol, Serial No. 75604, and one (1) magazine for said pistol, and am seeking the return of my property. This gun was a family heirloom, bequeathed to me by my father upon his death. At the time of my father's purchase of said pistol, there was no legal requirement to register the same.

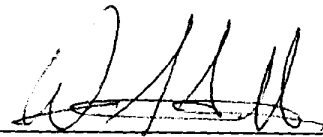
**3.** For all times relevant, I lawfully purchased and was the owner of an Intertech MDL TEC DC9 9mm pistol, Serial No. D045661, and five (5) magazines for

said pistol, and am seeking the return of my property. Said gun was lawfully registered with the Bureau of Alcohol, Tobacco and Firearms.

4. For all times relevant, I was the lawful owner of an American Arms Model NKC-MI 45 caliber Spectra NC Pistol, Serial No. B6897 and clip, and am seeking the return of my property. Said gun was lawfully registered with the Bureau of Alcohol, Tobacco and Firearms.

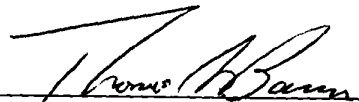
5. I have exhausted all remedies available to me to contact Scott Apthorp, the gun dealer from whom I originally purchased said guns, and I no longer have in my possession the documentation accompanying my purchase of these guns.

**FURTHER AFFIANT SAYETH NAUGHT.**



**WILLIAM S. SMITH**

**SWORN AND SUBSCRIBED TO** before me on this 13<sup>TH</sup> day of October, 2005.



**NOTARY PUBLIC**

THOMAS A. BARNI  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.03 R.C.

William S. Smith  
1167 West Gore Road  
Erie, Pennsylvania 16509  
(814) 449-2108

October 17, 2005

Clerk of Courts  
United States District Court  
Western District of Pennsylvania  
17 South Park Row  
Erie, Pennsylvania 16501

**Re: United State of America v. Jason J. Smith, et al.**  
**United States District Court, Western District of Pennsylvania**  
**Case No. 1:95-CR-00002**

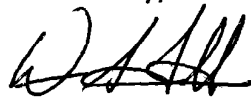
Dear Sir/Madam:

Enclosed please find the original and one copy of an ***Affidavit of William S. Smith*** relative to the above-captioned matter. Would you please file the same according to your procedures and return a time-stamped copy to the undersigned in the envelope provided.

By copy of this letter, I am providing the Honorable Judge Sean J. McLaughlin with a copy of the ***Affidavit***, and respectfully request that the Court rule upon my petition for the return of my personal property specified therein.

If you should have any questions, please do not hesitate to contact me. Thank you kindly for your courtesies.

Sincerely,



William S. Smith

enclosure(s)

cc: Honorable Judge Sean J. McLaughlin (w/enc.)